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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-850

12 **SCOTT WILLIS JOHNSON**  
13 **52700 Avenida Rubio**  
**La Quinta, CA 92253**  
14 **Registered Nurse License No. 561886**

**A C C U S A T I O N**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about January 20, 2000, the Board issued Registered Nurse License Number  
22 561886 to Scott Willis Johnson ("Respondent"). Respondent's registered nurse license was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
24 2011, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

12 . . . .

13 (4) Denial of licensure, revocation, suspension, restriction, or any other  
14 disciplinary action against a health care professional license or certificate by another  
15 state or territory of the United States, by any other government agency, or by another  
16 California health care professional licensing board. A certified copy of the decision  
17 or judgment shall be conclusive evidence of that action . . .

#### 18 COST RECOVERY

19 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licensee found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case.

#### 23 CAUSE FOR DISCIPLINE

##### 24 (Disciplinary Action by the Arizona State Board of Nursing)

25 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
26 subdivision (a)(4), on the grounds of unprofessional conduct, in that he was disciplined by the  
27 Arizona State Board of Nursing ("Arizona Board"), as follows: On or about August 3, 2010, in  
28 the disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN151542  
Issued to: Scott Willis Johnson", Respondent entered into a consent agreement, Consent for Entry  
of Voluntary Surrender Order No. 09011084, with the Arizona Board whereby he voluntarily  
surrendered his license to practice registered nursing in the state of Arizona for a period of three

(3) years. Respondent also agreed or acknowledged that his voluntary surrender constituted disciplinary action. A true and correct copy of Consent for Entry of Voluntary Surrender Order No. 09011084 is attached hereto as exhibit A and incorporated herein.

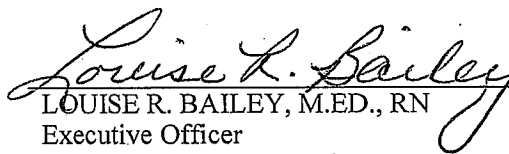
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 561886, issued to Scott Willis Johnson;
2. Ordering Scott Willis Johnson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

4/14/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**EXHIBIT A**

**Consent for Entry of Voluntary Surrender Order No. 09011084**

ARIZONA STATE BOARD OF NURSING  
4747 North 7th Street, Suite 200  
Phoenix, Arizona 85014-3655  
602-771-7800

IN THE MATTER OF REGISTERED  
NURSE LICENSE NO. RN151542  
ISSUED TO:

SCOTT WILLIS JOHNSON  
RESPONDENT

CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 09011084

A complaint charging SCOTT WILLIS JOHNSON, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1605.01(D), Respondent voluntarily surrenders his license for a minimum of three years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued registered nurse license no. RN151542.
2. From on or about October 5, 2009, to on or about October 16, 2009, Respondent was employed as a travel nurse for Medstaff Healthcare Solutions, Inc. (MHS), in Newtown Square, Pennsylvania and contracted to work as an Emergency Room nurse at Tri-City Medical Center ("TCMC"), in Oceanside, California.
3. On November 29, 2009 the Board received a complaint from Respondent's former employer MHS, alleging that on or about October 15, 2009, while on duty at TCMC Respondent was observed demonstrating behaviors that were consistent with impairment, specifically, an unsteady gait, disheveled appearance, red eyes and wandering around the emergency department without a specific

purpose. A TCMC nursing supervisor elected to run a PXYIS report in order to view the narcotics Respondent removed for one of his assigned patients. The nursing supervisor found that Respondent did not clearly document in the patient's record that in fact he administered the medications. Respondent was asked to submit to a for-cause urine drug test, he complied.

4. On or about October 15, 2009, Respondent's urine drug test was positive for methamphetamine and amphetamine, the result was confirmed by GC/MS testing and a Medical Review Officer. Respondent asserted the test result was a false-positive caused by his having taken his prescribed medications, Wellbutrin and Adderall.

5. From on or about December 29, 2009 to on or about January 25, 2010 Board staff mailed two investigative questionnaires to Respondent's address of record. He failed to respond.

6. On or about February 1, 2010 Respondent sent Board staff an electronic letter indicating that he was hospitalized for a serious and debilitating cardiac medical condition and therefore was not able to respond in a timely manner to the Board's complaint and allegations. Respondent denied diverting narcotics while working at TCMC. Respondent asserted that prior to his October 15, 2009 assigned shift at TCMC, he was diagnosed and actively being treated with intravenous antibiotics through a PICC line for endocarditis and pericarditis. Respondent further asserted that on October 15, 2009 he self-administered a prescriptive intravenous antibiotic, Ancef, through his PICC line. Respondent stated after leaving TCMC, he was admitted at Desert Regional Medical Center in Palm Springs, CA. for treatment of systemic sepsis.

7. On March 12, 2010 during an interview with Board staff, Respondent acknowledged that since on or about October 15, 2009 he has been physically debilitated because of four separate cerebral vascular accidents that were complications from endocarditis. Respondent acknowledged that he is not capable to safely perform the duties and functions associated with practicing as a registered nurse at this

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time. Respondent acknowledged that he requires continuous medical treatment, including physical and occupational therapy with the goal of regaining normalcy in his physical and mental health status.

8. On July 14, 2010 Respondent was interviewed telephonically by Hearing Department staff. Respondent agreed to sign a consent agreement for a three year voluntary surrender of his license.

### CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. §32-1601(16) (d) and (j):

(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.

(j) Violating a rule that is adopted by the board pursuant to this chapter. (Effective May 9, 2002)

and A.R.S. § 32-1601 (18) (d), (e), and (j) "Unprofessional conduct" includes the following whether occurring in this state or elsewhere:

(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.

(e) Being mentally incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a patient or the public.

(j) Violating a rule that is adopted by the board pursuant to this chapter. (Effective October 14, 2009).

And A.A.C. R4-19-403 (17), (18), (25)(a) and (31). For purposes of A.R.S. § 32-1601(16)(d), any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public includes one or more of the following:

17. A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location;

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18. Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices;
25. Failing to:
  - a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664, or
31. Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed. (Effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1605.01(D) and 32-1664(N) to take disciplinary action against Respondent's license to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that he has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature.



Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that he may not reapply for re-issuance during the period of Voluntary Surrender.

Respondent agrees that he may apply for re-issuance after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for re-issuance:

The application for re-issuance must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the re-issuance of the license does not constitute a threat to the public's health, safety and welfare.

The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding Respondent as it deems necessary. These conditions shall be met before the application for re-issuance is considered.

Respondent as it deems necessary. These conditions shall be met before the application for re-issuance is considered.

Respondent

Date

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour  
Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 8/3/11

RAFFOPORT/RN151542/JOHNSON,SCOTT

**ORDER**

Pursuant to A.R.S. § 32-1605(A)(5) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN151542, issued to SCOTT WILLIS JOHNSON. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multi-state license.

IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a period of three years.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour  
Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 8/3/11

JR/mer

ORDER

Pursuant to A.R.S. § 32-1605.01(D)(5) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN15142, issued to SCOTT WILLIS JOHNSON. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multi-state license.

IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a period of three years.

SEAL

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 8-3-10

JR/DR

COPY mailed this 3<sup>rd</sup> day of August, 2010, by First Class Mail to:

SCOTT WILLIS JOHNSON  
303 Waysibed Drive, #242  
Turlock, CA 95308

By: D. Richards

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